

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

JENI CRUZ and MILTON CRUZ,

Plaintiffs,

vs.

MARK A. PROSSER, individually and in
his official capacity as Chief of Police of
the Storm Lake Police Department,
TODD ERSKINE, individually and in his
official capacity as Captain of the Storm
Lake Police Department, and CITY OF
STORM LAKE,

Defendants.

No. C 00-4002-MWB

VERDICT FORM

I. JENI CRUZ

On the claim of plaintiff Jeni Cruz, we, the Jury, find as follows:

Individual Liability	On the claim of "illegal arrest" against the individual defendants, as explained in Final Jury Instruction No. 3, in whose favor do you find?		
	<input checked="" type="checkbox"/> Jeni Cruz	OR	<input type="checkbox"/> Mark A. Prosser
	<input checked="" type="checkbox"/> Jeni Cruz	OR	<input type="checkbox"/> Todd Erskine
	<i>If you found in favor of both individual defendants, do not answer any more questions regarding the claim of plaintiff Jeni Cruz. Instead, go on to consider the claim of plaintiff Milton Cruz in Section II of this verdict form. However, if you found in favor of plaintiff Jeni Cruz against one or both of the individual defendants, please answer the remaining questions concerning conversion of the detention, municipal liability, and damages as to Jeni Cruz's claim.</i>		
Conversion of Detention	<i>If you found in favor of Jeni Cruz against either or both of the individual defendants, on what basis do you find that the detention was converted into an "illegal arrest"? (You may mark either or both alternatives, but you must mark at least one.)</i>		
	<input type="checkbox"/>	The detention lasted unreasonably long	
	<input checked="" type="checkbox"/>	The officer's conduct was unreasonably intrusive	

Municipal Liability	If you found in favor of plaintiff Jeni Cruz against one or both of the individual defendants, do you find that the improper actions of the police officer or officers were a result of a policy, custom, or practice of the City of Storm Lake, as explained in Final Jury Instruction No. 4?	
	____ Yes	<div style="background-color: #cccccc; width: 50px; height: 20px; display: inline-block;"></div> <u> X </u> No
Specific or Nominal Damages	What damages, if any, has Ms. Cruz proved by the greater weight of the evidence will fairly and justly compensate her for any damages you find that she sustained as a direct result of the violation of her civil rights, as specific damages are explained in Final Jury Instruction No. 6? (Remember, if you find in favor of Ms. Cruz on her claim of "illegal arrest," as explained in Final Jury Instruction No. 3, but you find that her damages on that claim have no monetary value, then you must instead return a verdict for Ms. Cruz in the nominal amount of One Dollar (\$1.00), as explained in Final Jury Instruction No. 7.)	
	Past pain and suffering	\$ <u>9000⁰⁰</u>
	OR	
	Nominal damages	\$ <u>0</u>
Punitive Damages	What amount, if any, do you award in punitive damages against an individual defendant you found liable above on the claim of Jeni Cruz, as punitive damages are explained in Final Jury Instruction No. 8?	
	Mark A. Prosser	\$ <u>0</u>
	Todd Erskine	\$ <u>0</u>

II. MILTON CRUZ

On the claim of plaintiff Milton Cruz, we, the Jury, find as follows:

Individual Liability	On the claim of "illegal arrest" against the individual defendants, as explained in Final Jury Instruction No. 3, in whose favor do you find?		
	<input checked="" type="checkbox"/> Milton Cruz	OR	<input type="checkbox"/> Mark A. Prosser
	<input checked="" type="checkbox"/> Milton Cruz	OR	<input type="checkbox"/> Todd Erskine
	<i>If you found in favor of both individual defendants, do not answer any more questions regarding the claim of plaintiff Milton Cruz. Instead, sign the verdict form and notify the Court Security Officer that you have reached a verdict. However, if you found in favor of plaintiff Milton Cruz against one or both of the individual defendants, please answer the remaining questions concerning conversion of the detention, municipal liability, and damages as to Milton Cruz's claim.</i>		
Conversion of Detention	<i>If you found in favor of Milton Cruz against either or both of the individual defendants, on what basis do you find that the detention was converted into an "illegal arrest"? (You may mark either or both alternatives, but you must mark at least one.)</i>		
	<input checked="" type="checkbox"/>	The detention lasted unreasonably long	
	<input checked="" type="checkbox"/>	The officer's conduct was unreasonably intrusive	
Municipal Liability	<i>If you found in favor of plaintiff Milton Cruz against one or both of the individual defendants, do you find that the improper actions of the police officer or officers were a result of a policy, custom, or practice of the City of Storm Lake, as explained in Final Jury Instruction No. 4?</i>		
	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No
Specific or Nominal Damages	What damages, if any, has Mr. Cruz proved by the greater weight of the evidence will fairly and justly compensate him for any damages you find that he sustained as a direct result of the violation of his civil rights, as specific damages are explained in Final Jury Instruction No. 6? (Remember, if you find in favor of Mr. Cruz on his claim of "illegal arrest," as explained in Final Jury Instruction No. 3, but you find that his damages on that claim have no monetary value, then you must instead return a verdict for Mr. Cruz in the nominal amount of One Dollar (\$1.00), as explained in Final Jury Instruction No. 7.)		
	Past pain and suffering	\$ 1000.00	
	OR		
	Nominal damages	\$ -0-	

Punitive Damages	What amount, if any, do you award in punitive damages against an individual defendant you found liable above on the claim of Milton Cruz, as punitive damages are explained in Final Jury Instruction No. 8?	
	Mark A. Prosser	\$ <u>Ø</u>
	Todd Erskine	\$ <u>Ø</u>